

From: (b) (6)
To: (b) (6)
Cc: (b) (6); (b) (6)
Subject: RE: James Derek Lovelace, a U.S. Navy SEAL
Date: Tuesday, April 25, 2017 8:49:00

I'll staff the request...but it will be partially redacted. Do you want me to get moving on it?

V/r (b) (6)

-----Original Message-----

From: (b) (6) [mailto:(b) (6)]
Sent: Tuesday, April 25, 2017 8:42 AM
To: (b) (6)
Cc: (b) (6); (b) (6)
Subject: [Non-DoD Source] RE: James Derek Lovelace, a U.S. Navy SEAL

How do I get a copy of the NCIS investigation?

(b) (6)
(b) (6) | Senator John McCain
218 Russell Senate Office Building | Washington DC, 20150
(b) (6) | (b) (6) www.mccain.senate.gov

-----Original Message-----

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, April 20, 2017 1:05 PM
To: (b) (6); (b) (6)
Cc: (b) (6); (b) (6); (b) (6); (b) (6)
<(b) (6)>
Subject: RE: James Derek Lovelace, a U.S. Navy SEAL

(b) (6)

NCIS did not declare the case a homicide or that any crime was committed.. not their role to provide ultimate conclusions.

The San Diego Medical Examiner ruled it a homicide under their state medical examiner's definition. An important distinction exists between a Medical Examiner's definition as to the manner of death and the criminal standard for liability. The San Diego County Medical Examiner can be contacted at (858) 694-2895 for information on their report.

There is an open Navy Safety Investigation, which was on hold pending the conclusion of the criminal investigation.

Naval Special Warfare Command's statement is provided below. Here is a media link reporting on the case.

<http://www.nbcnews.com/news/us-news/navy-won-t-pursue-criminal-charges-seal-training-death-n745126>

V/r (b) (6)

(b) (6)
(b) (6)
Navy Office of Legislative Affairs
(b) (6)

(b) (6)

"SAN DIEGO - The commanding officer of the Naval Special Warfare Basic Training Command has determined that the 6 May 2016 death of Seaman James 'Derek' Lovelace, a Basic Underwater Demolition and SEAL training (BUD/S) trainee, was not the result of a crime and will not pursue criminal charges against any personnel in connection with the death.

The decision by Cmdr. Liam Hulin, follows his review of a Naval Criminal Investigative Service (NCIS) investigation. The NCIS investigation was initiated and carried out according to Department of Defense regulations pertaining to any death that occurs during training.

"Our thoughts and prayers remain with the Lovelace family," said Hulin. "No loss of life in training is an acceptable loss."

The scope of the NCIS case was sufficient to provide Hulin with information necessary to determine whether the training fatality may have been caused by the commission of a crime. Based on the determination that criminal actions should not be taken against any personnel involved in the training evolution, a safety review previously held in abeyance to avoid a conflict among investigations, has initiated.

SN Lovelace's death occurred during Combat Swimmer Orientation, a water training exercise performed during the first week of BUD/S. The training assesses and develops students' competence, confidence and safety in the water. During the exercise students tread water and swim in a pool while wearing diving masks, and camouflage utility uniform with boots. While treading water, students perform survival skills that involve the removal of their mask, boots and uniform.

"To honor those who have fallen in combat we must provide the most realistic and operationally relevant training possible. To honor those who have fallen in training we must effectively mitigate the risks of that training," said Capt. Jay Hennessey, Commander, Naval Special Warfare Training Center.

"NSW training has been refined over more than 50 years, informed throughout by lessons learned in combat overseas as well as in training at home. We learn not only from our successes, but also from operational and training failures, mistakes and accidents. While these tragic occasions are infrequent, they greatly impact our small close-knit force and magnify the responsibility we feel to our teammates who have paid the ultimate price," said Hennessey.

The Naval Special Warfare Center, of which the Basic Training Command is a component, trains, qualifies and develops Naval Special Warfare Operators which form the foundation of the world's preeminent maritime special operations force. The maritime environment is the most hostile environment on the planet for military operations and requires operators with comfort, skill and confidence in the water to accomplish the mission."

-----Original Message-----

From: (b) (6)
Sent: Thursday, April 20, 2017 10:48 AM
To: (b) (6)
Cc: (b) (6)
Subject: FW: James Derek Lovelace, a U.S. Navy SEAL

(b) (6) as discussed.

(b) (6) (b) (6) got this for us -

Thanks -

V/r (b) (6)

-----Original Message-----

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, April 20, 2017 10:27 AM

To: (b) (6)
Subject: [Non-DoD Source] FW: James Derek Lovelace, a U.S. Navy SEAL

Thanks for the talk Captain. I know it's a sensitive topic, just trying to answer the mail.

V/r

(b) (6)

(b) (6)

(b) (6) | Senator John McCain

218 Russell Senate Office Building | Washington DC, 20150

(b) (6) | (b) (6) <[\(b\) \(6\)](mailto:(b) (6))>

www.mccain.senate.gov <<http://www.mccain.senate.gov/>>

Thoughts as to whether we should get involved or not?

Hello Senator McCain,

My name is (b) (6) of Crestview, Florida. I am the father of James Derek Lovelace, a U.S. Navy SEAL candidate who lost his life while attending BUDS training in San Diego on May 6th, 2016.

I am writing you today with a heavy heart and to inform you of a gross injustice that has been taken against my family. Over the past 11 months, the Navy has been investigating my son's death. The NCIS investigation and the San Diego medical examiner's office concluded on July 3rd, 2016 that my son was dunked twice by an instructor during training which was caught on video, and that Derek's death was categorized as a homicide. The training evolution Derek was participating in is a "no touch" evolution. We were certain that the accused instructor would be Courts Martialed.

On April 8th, 2017 I was paid a visit in my home from the BUDS Commander and Command Master Chief. The Commander informed me that his decision was to not pursue a Courts Martial for the accused instructor which was devastating news to my family. The Commander told me that the NCIS report was wrong and performed by people who had no idea what it took to be a SEAL. The accused instructor is now free to separate from the Navy with zero accountability.

I would like to know how the independent investigative service of the Navy (NCIS) can perform a thorough investigation and conclude that a crime was committed, and the Navy chooses to dismiss that conclusion

and take no action. I would like to ask you and your Armed Services Committee to look into this matter and force the Navy to take accountability for my son s death.

Thank you for your attention on this matter.

(b) (6)

(b) (6)